

September 1, 2004

The Honorable James M. Jeffords  
United States Senate  
Washington, D.C. 20510

Dear Senator Jeffords:

On behalf of the U.S. Nuclear Regulatory Commission (NRC or the Commission), I am responding to your letter dated August 6, 2004, in which you made specific requests pertaining to the NRC's engineering inspection currently being performed at the Vermont Yankee Nuclear Power Station (Vermont Yankee). Your letter also supported the State of Vermont's request to extend the deadline for filing a hearing request associated with the Vermont Yankee extended power uprate amendment request.

With respect to the engineering inspection, you requested (1) an opportunity to review the professional experience of the engineering inspection team members, (2) the team members be available to brief the Vermont State Nuclear Advisory Panel (VSNAP) and the Commissioners of Public Service and Public Safety, and (3) the NRC to schedule a meeting to brief the public on the issues examined and findings of the inspection before the inspection report is finalized.

The engineering inspection team consists of eight inspectors, including three contractors. Information regarding the professional experience of each of the team members was provided in an NRC press release on August 6, 2004, which is enclosed for your information. Further information was provided to your staff on August 13, 2004. Please let us know if you require any additional information regarding the experience of the team members. As you are probably aware, the Nuclear Engineer for the State of Vermont is participating in this inspection as an observer.

The NRC is willing to participate in briefings in a manner that will not impact the effectiveness and efficiency of the inspection team. However, due to its pre-decisional nature, the NRC will not discuss its inspection findings in a public forum until its inspection activities are completed and the results finalized. Similarly, we have a memorandum of understanding with many states, including Vermont, which restricts the state observer from discussing pre-decisional information in a public setting. Therefore, while we are unable to discuss the pre-decisional inspection results themselves, we will support the briefings you suggest to discuss the scope and methodology of the inspection.

The NRC staff has discussed the issue of inspection team briefings, including the limitations mentioned above, with Mr. David O'Brien, Commissioner of the Vermont Department of Public Service. To provide as much information as possible, the State observer on the engineering inspection team is providing periodic status briefings to the Commissioner of Public Service. The NRC has also made the inspection team leader available for weekly status briefings via a telephone conference to the Commissioners of Public Service and Public Safety. In addition, members of the VSNAP visited Vermont Yankee on August 18, 2004. During this site visit, the VSNAP members went on a plant tour, met with the engineering inspection team, and discussed the inspection scope and approach.

The on-site portion of the engineering inspection is scheduled to be completed on September 3, 2004. A public exit meeting will be held to discuss the scope of the inspection and inspection findings at a date yet to be determined. The results of the inspection, which will be made publicly available, will be documented in a subsequent inspection report.

With respect to your support of the State's request to extend the deadline for filing a hearing request associated with the Vermont Yankee power uprate amendment, the Commission, by Order dated August 18, 2004, determined that the requested extension of the August 30, 2004, deadline is not warranted. As noted in the Commission's Order, however, a petitioner may seek leave to present a new or amended contention, after the initial filing, subject to meeting certain standards concerning the previous unavailability of the information on which the new or amended contention is based. A copy of the Commission's decision regarding the State's request is enclosed.

If you have any further questions, please feel free to contact me.

Sincerely,

*/RA/*

Nils J. Diaz

Enclosures:

1. Press Release 04-092
2. NRC Order dated August 18, 2004

Identical letter sent to:

The Honorable James M. Jeffords  
United States Senate  
Washington, D.C. 20510

The Honorable Patrick Leahy  
United States Senate  
Washington, D.C. 20510

The Honorable Bernard Sanders  
United States House of Representatives  
Washington, D.C. 20515